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MARTIN & FERRARO, LLP 1557 LAKE O'PINES STREET, NE HARTVILLE, OH 44632			EXAMINER CHOWDHURY, SUMAIYA A	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/921,097	<b>Applicant(s)</b> HUDSON ET AL.	
	<b>Examiner</b> Sumaiya A. Chowdhury	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-56 and 59-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-56, 59-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Remarks, filed 1/22/08, with respect to claims 1-56, and 59-70 have been fully considered and are persuasive. The Office Action of 11/26/07 has been withdrawn.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 16-19, and 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Krapf (6,483,986).

As for claim 16, Krapf discloses a method for using an interactive video, the method comprising:

Delivering the video (12 – Fig. 1) from a remote location (2 – Fig. 1; col. 6, lines 24-36) over a network (28 – Fig. 1) to a client application (the client application is the software which allows the display of the video and supplemental content, and the selection of content) accessible by a user and displaying the video on the visual display, the video having at least one interface link (18 – Fig. 1) associated therewith adapted to

be displayed on the visual display and being linked to ancillary content (alternative subject matter data) accessible over a network (The viewer selects the alternative subject matter data by pressing a select button on the remote control which links the viewer to begin exploring the alternative subject matter - col. 3, lines 44-56);

interacting with the interface link to access the ancillary content - col. 4, lines 4-14;

interrupting the delivery of the video from the remote location over the network to the client application and pausing the display of the video on the visual display at a point in time after the interacting with the interface link – (The delivering and displaying of the video is paused from the personal video recorder 2 to the display 4. - col. 4, lines 27-42);

accessing, via the client application, the ancillary content and displaying the ancillary content on the visual display– col. 4, lines 39-42; and

continuing the delivery and display of the video from the remote location over the network to the client application and continuing the display of the video on the visual display from the point in time when the delivery of the video was interrupted and the display of the video was paused after the interacting with the interface link – col. 4, lines 54-65.

As for claim 17, Krapf discloses wherein said displaying step includes streaming video over a network to the visual display – col. 3, lines 65-67, col. 4, lines 1-3, col. 6, lines 16-18.

As for claim 18, Krapf discloses wherein said interacting step includes interacting with an interface link that is embedded in the video – (The streaming video data transmitted by the broadcast headend includes the alternative subject matter data. Hence, the alternative subject matter data is embedded in the video – col. 6, lines 38-43).

As for claim 19, Krapf discloses wherein said interacting step includes overlaying the interface link on the video on the visual display – (Referring to Fig. 1, the alternative subject matter is overlaid on the video - col. 4, lines 4-15).

As for claim 27, Krapf discloses wherein said interacting step includes accessing ancillary content including information relating to the video (The alternative subject matter data is associated with the program of the channel - col. 6, lines 39-42).

As for claims 28, Krapf discloses wherein said interacting step includes accessing ancillary content including video (The streaming video data includes the alternative subject matter (ancillary content) - col. 6, lines 36-40. The alternative subject matter is saved as compressed video - col. 7, lines 4-9).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, 8, 10-15, 31-33, 35, and 37-42, rejected under 35 U.S.C. 103(a) as being unpatentable over Krapf (6483986) in view of Kikinis (5929849).

As for claims 1 and 31, Krapf discloses a method for using an interactive video, the method comprising the steps of:

Delivering the video (12 - Fig. 1) to a client application (the client application is the software which allows the display of the video and supplemental content, and the selection of content) accessible by a user and displaying the video on a visual display (4 - Fig. 1), the video having at least one embedded interface link (alternative subject matter data 14 - Fig. 1) associated therewith, the interface link adapted to be displayed on the visual display and being linked to ancillary content (alternative subject matter data) accessible over a network (A video and alternative subject matter data is displayed on the same screen as shown in Fig. 1. The viewer selects the alternative subject matter data by pressing a select button on the remote control which links the viewer to begin exploring the alternative subject matter - col. 3, lines 44-56);

interacting with the interface link to access the ancillary content - col. 4, lines 4-

interrupting the delivery of the video to the client application at a point in time after the interacting with the interface link – (The delivery of the video is interrupted. - col. 4, lines 39-42);

delivering the ancillary content to the client application and displaying the ancillary content on the visual display – col. 4, lines 39-42; and

continuing the delivery of the video to the client application from the point in time when the delivery of the video was interrupted/paused after the interacting with the interface link – col. 4, lines 54-65.

However, Krapf fails to disclose transmitting, via the client application a request for ancillary content over the network to a remote site where the ancillary content is stored.

In an analogous art, Kikinis teaches wherein a user selects (requests) an image which is linked by an URL, the user is directed to a web location (remote site) which provides information (ancillary content) related to the image in order to reduce the capacity needed to store ancillary content at the client end— col. 5, lines 18-25.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf's invention to include wherein a user selects an image which is linked by an URL, the user is directed to a web location which provides information related to the image, as taught by Kikinis, in order to reduce the capacity needed to store ancillary content at the client end.

As for claims 2 and 32, Krapf and Kikinis disclose the claimed limitations. In particular, Krapf discloses wherein said displaying step includes streaming video over a network to the visual display – col. 3, lines 65-67, col. 4, lines 1-3, col. 6, lines 16-18.

As for claim 3, Krapf and Kikinis disclose the claimed limitations. In particular, Krapf discloses wherein said interacting step includes interacting with an interface link that is embedded in the video – (The streaming video data transmitted by the broadcast headend includes the alternative subject matter data. Hence, the alternative subject matter data is embedded in the video – col. 6, lines 38-43 ).

As for claim 4, Krapf and Kikinis disclose the claimed limitations. In particular, Krapf discloses wherein said interacting step includes overlaying the interface link on the video on the visual display – (Referring to Fig. 1, the alternative subject matter is overlaid on the video - col. 4, lines 4-15).

As for claim 5, Krapf and Kikinis disclose the claimed limitations. In particular, Kikinis discloses wherein the video is received from a cable TV link and/or satellite link – col. 5, lines 33-36, and the interface link (web page) is received from a web server such that the user could access web data pertinent to the video programming via telephone modem (35) or ISDN (39) (col. 5, lines 55-60, col. 7, lines 60-67, col. 8, lines 1-5) for the advantage of allowing the user to access web data pertinent to the video programming via alternative communication medium.



As for claims 6 and 33, Krapf and Kikinis disclose the claimed limitations. In particular, Kikinis discloses wherein the interface link (web location) is hidden from view until the viewer selects the image, resulting in invoking a linked URL which leads to a web location which provides information related to the image (col. 5, lines 17-23) for the advantage of providing information related to the image in an enhanced mode when needed but hiding the information when not needed.

As for claims 8 and 35, Kikinis and Krapf disclose the claimed limitations. In particular, Kikinis discloses wherein different entities in a frame may be associated with different URLs, and may serve to direct the user to the particular web page (primary ancillary content) when the image is selected. The user browses the particular web page which has links on it and then further accesses a link on the web page by selecting it. The link takes the user to a secondary web page (second ancillary content) which allows the user to access additional desired information— col. 7, lines 10-17.

As for claims 10 and 37, Krapf and Kikinis disclose the claimed limitations. In particular, Kikinis discloses wherein the user may buy (commercial transaction) a dealer's product through the web page for the advantage of allowing the process of buying a product from another user painless and user/buyer friendly – col. 8, lines 35-37.

As for claims 11 and 38, Krapf and Kikinis disclose the claimed limitations. In particular, Kikinis discloses wherein the user may purchase a dealer's product or a sports ticket. As this is possible, the system inherently has a link to a site adapted to transact the commercial transaction for the advantage of allowing the process of buying a product from a dealer painless and user/buyer friendly – col. 8, lines 35-37, col. 9, lines 20-24.

As for claims 12 and 39, Krapf and Kikinis disclose the claimed limitations. In particular, Krapf discloses wherein said interacting step includes accessing ancillary content including information relating to the video (The alternative subject matter data is associated with the program of the channel - col. 6, lines 39-42).

As for claims 13 and 40, Krapf and Kikinis disclose the claimed limitations. In particular, Krapf discloses wherein said interacting step includes accessing ancillary content including video (The streaming video data includes the alternative subject matter (ancillary content) - col. 6, lines 36-40. The alternative subject matter is saved as compressed video - col. 7, lines 4-9).

As for claims 14 and 41, Krapf and Kikinis disclose the claimed limitations. In particular, Kikinis discloses the user may purchase a product using the ancillary content for the advantage of allowing the process of buying a product from another user painless and user/buyer friendly – col. 8, lines 35-38, col. 9, lines 21-23.

As for claim 15 and 42, Krapf and Kikinis disclose the claimed limitations. In particular, Kikinis discloses different entities in the frame may be associated with different URLs, and may serve to direct the user to different home pages on the web – col. 7, lines 10-15.

6. Claims 20, 21, 23, 25-26, and 29-30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Krapf applied to claim 16 above, and further in view of Kikinis.

As for claims 20, Krapf fails to disclose the claimed limitations.

In an analogous art, Kikinis discloses wherein the video is received from a cable TV link and/or satellite link – col. 5, lines 33-36, and the interface link (web page) is received from a web server such that the user could access web data pertinent to the video programming via telephone modem (35) or ISDN (39) – col. 5, lines 55-60, col. 7, lines 60-67, col. 8, lines 1-5.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf's system to include wherein the video is received from a cable TV link and/or satellite link and the interface link is received from a web server via a telephone line, as taught by Kikinis, for the advantage of allowing the user to access web data pertinent to the video programming via alternative communication medium.

As for claim 21, Krapf fails to disclose wherein said interacting step includes hiding the interface link from view on the display until interacted with by the user.

In an analogous art, Kikinis discloses wherein the interface link (web location) is hidden from view until the viewer selects the image, resulting in invoking a linked URL which leads to a web location which provides information related to the image – col. 5, lines 17-23.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf's system to include wherein the interface link is hidden from view until the viewer selects the image, resulting in invoking a linked URL which leads to a web location, as taught by Kikinis, for the advantage of providing information related to the image in an enhanced mode when needed but hiding the information when not needed.

As for claim 23 Krapf fails to disclose wherein said interacting step includes interacting with primary ancillary content having a link to secondary ancillary content.

In an analogous art, Kikinis discloses wherein different entities in a frame may be associated with different URLs, and may serve to direct the user to the particular web page (primary ancillary content) when the image is selected. The user browses the particular web page which has links on it and then further accesses a link on the web page by selecting it. The link takes the user to a secondary web page (second ancillary

content) which allows the user to access additional desired information— col. 7, lines 10-17.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf's system to include wherein said interacting step includes interacting with primary ancillary content having a link to secondary ancillary content, as taught by Kikinis, for the advantage of allowing the user to access additional desired information.

As for claim 25, Krapf fails to disclose wherein said interacting step includes the sub-step of conducting a commercial transaction with a user.

In an analogous art, Kikinis discloses wherein the user may buy (commercial transaction) a dealer's product through the web page for the advantage of allowing the process of buying a product from another user painless and user/buyer friendly – col. 8, lines 35-37.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf's system to include wherein said interacting step includes the sub-step of conducting a commercial transaction with a user, as taught by Kikinis, for the advantage of allowing the process of buying a product from another user painless and user/buyer friendly.

As for claims 26, Krapf fails to disclose wherein said interacting step includes the sub-step of accessing ancillary content having a link to a site adapted to transact the commercial transaction.

In an analogous art, Kikinis discloses wherein the user may purchase a dealer's product or a sports ticket. As this is possible, the system inherently has a link to a site adapted to handle the commercial transaction for the advantage of allowing the process of buying a product from a dealer painless and user/buyer friendly – col. 8, lines 35-37, col. 9, lines 20-24.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf's system to include wherein said interacting step includes the sub-step of accessing ancillary content having a link to a site adapted to handle the commercial transaction, as taught by Kikinis, for the advantage of allowing the process of buying a product from a dealer painless and user/buyer friendly.

As for claim 29, Krapf fails to disclose wherein said interacting step includes the sub-step of conducting a commercial transaction using the ancillary content.

In an analogous art, Kikinis discloses the user may purchase a product using the ancillary content for the advantage of allowing the process of buying a product from another user painless and user/buyer friendly – col. 8, lines 35-38, col. 9, lines 21-23.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf's system to include wherein said interacting step includes the sub-step of conducting a commercial transaction using the ancillary

content, as taught by Kikinis, for the advantage of allowing the process of buying a product from a dealer painless and user/buyer friendly.

As for claim 30, Krapf fails to disclose wherein said displaying step includes displaying video having a plurality of interface links associated therewith.

In an analogous art, Kikinis discloses different entities in the frame may be associated with different URLs, and may serve to direct the user to different home pages on the web – col. 7, lines 10-15.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf's system to include wherein different entities in the frame may be associated with different URLs, as taught by Kikinis, for the advantage of directing the user to different home pages on the web.

7. Claims 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis in view of Krapf.

As for claim 55, Kikinis discloses a method for conducting commerce over a network during the display of a video to a user, the method comprising the steps of:

delivering the video (advertisement) from a remote site (the advertisement is received from a variety of remote sites including a satellite link and a cable TV line – col. 5, lines 33-36) to a client application accessible by a user and displaying the video on a

visual display (51, 53 – Fig. 1), the video having an interface link (URL link) associated therewith, the interface link being linked to a commerce site adapted to conduct commerce with the user that is accessible over the network (e.g. In the BMW advertisement, the different entities in the frame are associated with different URLs, and direct the user to different data locations on the same home page. On the web site, a user may conduct a commercial transaction – col. 7, lines 1-17, col. 8, lines 35-38, col. 9, lines 15-24);

interacting with the interface link during the display of the video – (The user may access the web page to conduct a commercial transaction, e.g., purchase sports tickets or car dealer's product – col. 8, lines 30-38, col. 9, lines 15-24);

interrupting (display is suspended) the delivery of the video from the remote site to the client application at a point in time after the interacting with the interface link (col. 8, lines 1-10)

accessing, via the client application, the commerce site – (In order to purchase something, the user must be able to access the commerce site - col. 8, lines 23-38, col. 9, lines 9-24); and

displaying the commerce site on the visual display – (In order to purchase something, the user must be able to view the commerce site - col. 8, lines 30-38, col. 9, lines 9-24) .

However, Kikinis fails to disclose continuing the delivery of the video from the remote site to the client application from the point in time when the delivery of the video was interrupted after the accessing of the commerce site.



In an analogous art, Krapf teaches continuing the step of delivering and displaying the video from the point in time where the delivery and display of video was interrupted after accessing alternative content (col. 4, lines 54-65).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Kikinis' invention to include continuing the step of displaying the video from the point in time where the display of video was interrupted after accessing alternative content, as taught by Krapf, such that the user doesn't miss out on any content.

As for claim 56, Kikinis and Krapf disclose the claimed limitations. In particular, Kikinis discloses the step of completing a transaction with the commerce site (As discussed above in claim 55, if the user purchases something, then the user must complete a transaction with the commerce site).

8. Claims 59-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis in view of Krapf.

As for claim 59, Kikinis discloses a method for creating an interactive video, the method comprising the steps of:

Encoding and storing the video onto a remote storage medium (memory at the headend) at a first site (headend) – (The STB decodes the data it receives, hence the

data is encoded at the headend prior to transmitting it to the STB where it is decoded—  
col. 5, lines 33-41. Data is recorded (saved) at the headend – col. 6, lines 64-67, col. 7,  
lines 1-8);

Interrupting (TV display is suspended) the delivery of video from the remote  
storage medium to a client application accessible by a user at a second site (client site)  
and providing access to ancillary content accessible over a network, (Once the user  
selects an entity on the advertisement, the TV display is suspended, the system  
executes browser routines, and accesses the WWW to retrieve the selected information  
(ancillary content) - col. 7, lines 48-67).

delivering the video to the visual display – col. 8, lines 1-20; and

delivering the link program to the client application (The advertisement is pre-  
recorded at the headend where data is recorded to be transmitted between frames  
identifying the position and extent of an object in the adjacent frame, and associating  
the object with a specific URL. - col. 6, lines 64-67, col. 7, lines 1-10).

displaying the video on the visual display – col. 8, lines 1-20.

Interrupting the delivery of the video to the client application in response to  
interacting with the link program (col. 8, lines 1-10)

However, Kikinis fails to teach:

associating the link program with the video;

However, Kikinis fails to teach the link program linking the ancillary content and the video to the point in time when the delivery of the video was interrupted.

In an analogous art, Krapf teaches associating the link program with the video and resuming the video at the point where it was last left off such that the user doesn't miss out on anything. Since the system allows the user to resume playback where last left off, there is a link program – col. 4, lines 53-65

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Kikinis' invention to include a link program and resuming the video at the point where it last left off, as taught by Krapf, for the advantage of not missing out on any content.

As for claim 60, Kikinis and Krapf disclose the claimed limitations. In particular, Kikinis discloses wherein said associating step includes encoding the link program with the video onto the storage medium – (The advertisement is pre-recorded at the headend where data is recorded to be transmitted between frames identifying the position and extent of an object in the adjacent frame, and associating the object with a specific URL. - col. 6, lines 64-67, col. 7, lines 1-10).

As for claim 61, Kikinis and Krapf disclose the claimed limitations. In particular, Kikinis discloses wherein encoding of the link program is performed simultaneously with

said step of encoding the video – (As discussed above in claim 60, since the data associating the object with a specific URL is pre-recorded with the video at the headend, the link program is simultaneously encoded with the video).

As for claim 62, Kikinis and Krapf disclose the claimed limitations. In particular, Kikinis discloses wherein the video is received from a cable TV link and/or satellite link – col. 5, lines 33-36, and the link program originates from a web server such that the user could access web data pertinent to the video programming via telephone modem (35) or ISDN (39)– col. 5, lines 55-60, col. 7, lines 60-67, col. 8, lines 1-5.

As for claim 63, Kikinis and Krapf disclose the claimed limitations. In particular, Kikinis discloses wherein said delivering step includes the sub-step of overlaying the video with the link program during said displaying step – col. 7, lines 48-67.

9. Claims 7 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krapf and Kikinis as applied to claim 1 and 31 respectively, above, and further in view of Call (6154738).

As for claims 7 and 34, Krapf and Kikinis fail to disclose wherein said displaying step includes displaying the interface link being at least a partially transparent graphic.

In an analogous art, Call discloses wherein a transparent graphic is displayed to indicate to the user a particular message – col. 19, lines 40-50.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf and Kikinis's system to include wherein partially transparent graphics are displayed, as taught by Call, for the advantage of indicating a particular message to the user.

10. Claims 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krapf as applied to claim 16 above, and further in view of Call (6154738).

As for claim 22, Krapf fails to disclose wherein said displaying step includes displaying the interface link being at least a partially transparent graphic.

In an analogous art, Call discloses wherein a transparent graphic is displayed to indicate to the user a particular message – col. 19, lines 40-50.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf's system to include wherein partially transparent graphics are displayed, as taught by Call, for the advantage of indicating a particular message to the user.

11. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krapf, Kikinis, and Butler, as applied to claim 43 above, and further in view of Call (6154738).

As for claim 46, Krapf, Kikinis, and Butler fail to disclose wherein said displaying step includes displaying the interface link being at least a partially transparent graphic.

In an analogous art, Call discloses wherein a transparent graphic is displayed to indicate to the user a particular message – col. 19, lines 40-50.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf, Kikinis, and Butler's system to include wherein partially transparent graphics are displayed, as taught by Call, for the advantage of indicating a particular message to the user.

12. Claims 9 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krapf and Kikinis as applied to claim 1/31 above, and further in view of Alonso (6184878).

As for claims 9 and 36, Krapf and Kikinis fails to disclose wherein said displaying step includes displaying an interface link that provides the appearance of moving across the screen of the visual display as the video is being played.

In an analogous art, Alonso discloses wherein moving images are displayed such that the subscriber may dynamically interact it – col. 7, lines 25-35.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf and Kikinis' system to include wherein moving

images are displayed, as taught by Alonso, for the advantage of allowing the subscriber to dynamically interact with it.

13. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krapf as applied to claim 16 above, and further in view of Alonso (6184878).

As for claim 24, Krapf fails to disclose wherein said displaying step includes displaying an interface link that provides the appearance of moving across the screen of the visual display as the video is being played.

In an analogous art, Alonso discloses wherein moving images are displayed such that the subscriber may dynamically interact it – col. 7, lines 25-35.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf's system to include wherein moving images are displayed, as taught by Alonso, for the advantage of allowing the subscriber to dynamically interact with it.

14. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krapf, Kikinis, and Butler, as applied to claim 43 above, and further in view of Alonso (6184878).

As for claim 48, Krapf, Kikinis, and Butler fail to disclose wherein said displaying step includes displaying an interface link that provides the appearance of moving across the screen of the visual display as the video is being displayed.

In an analogous art, Alonso discloses wherein moving images are displayed such that the subscriber may dynamically interact it – col. 7, lines 25-35.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf, Kikinis, and Butler's system to include wherein moving images are displayed, as taught by Alonso, for the advantage of allowing the subscriber to dynamically interact with it.

15. Claims 43-45, 47, 49, 50-54, and 64-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krapf and Kikinis in view of Butler (US 2002/0007493).

Claim 43 contains limitations of claim 1, 4, and 5 and is analyzed as previously discussed with respect to those claims.

Claim 43 additionally calls for:

The overlaid interface link being linked to ancillary content (See Krapf, col. 4, lines 4-15).

Displaying an overlaid interface link with the video based on the time elapsed during the display of the video.

However, Krapf and Kikinis fail to disclose displaying content based on the time elapsed during the display of the video.



In an analogous art, Butler teaches displaying content based on timing specifications for the advantage of indicating times for displaying content relative to the video stream – [0019].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf and Kikinis's invention to include displaying content based on timing specifications, as taught by Butler, for the advantage of indicating times for displaying content relative to the video stream.

As for claim 44, Krapf, Kikinis, and Butler disclose the claimed limitations. In particular, Krapf discloses the display displays the streaming video distributed over the network— col. 3, lines 65-67, col. 4, lines 1-3, col. 6, lines 16-18.

As for claims 45, Krapf, Kikinis, and Butler disclose the claimed limitations. In particular, Kikinis discloses wherein the interface link (web location) is hidden from view until the viewer selects the image, resulting in invoking a linked URL which leads to a web location which provides information related to the image – col. 5, lines 17-23.

As for claim 47, Krapf, Kikinis, and Butler disclose the claimed limitations. In particular, Kikinis discloses wherein different entities in a frame may be associated with different URLs, and may serve to direct the user to the particular web page (primary ancillary content) when the image is selected. The user browses the particular web page which has links on it and then further accesses a link on the web page by

selecting it. The link takes the user to a secondary web page (second ancillary content) which allows the user to access additional desired information— col. 7, lines 10-17.

As for claim 49, Krapf, Kikinis, and Butler disclose the claimed limitations. In particular, Kikinis discloses wherein the user may buy (commercial transaction) a dealer's product through the web page for the advantage of allowing the process of buying a product from another user painless and user/buyer friendly – col. 8, lines 35-37.

As for claim 50, Krapf, Kikinis, and Butler disclose the claimed limitations. In particular, Kikinis discloses wherein the user may purchase a dealer's product or a sports ticket. As this is possible, the system inherently has a link to a site adapted to handle the commercial transaction for the advantage of allowing the process of buying a product from a dealer painless and user/buyer friendly – col. 8, lines 35-37, col. 9, lines 20-24.

As for claim 51, Krapf, Kikinis, and Butler disclose the claimed limitations. In particular, Krapf discloses wherein said interacting step includes accessing ancillary content including information relating to the video. The alternative subject matter data is associated with the program of the channel - col. 6, lines 39-42.

As for claim 52, Krapf, Kikinis, and Butler disclose the claimed limitations. In particular, Krapf discloses wherein said interacting step includes accessing ancillary content including video. The streaming video data includes the alternative subject matter (ancillary content) - col. 6, lines 36-40. The alternative subject matter is saved as compressed video - col. 7, lines 4-9.

As for claim 53, Krapf, Kikinis, and Butler disclose the claimed limitations. In particular, Kikinis discloses the user may purchase a product using the ancillary content for the advantage of allowing the process of buying a product from another user painless and user/buyer friendly – col. 8, lines 35-38, col. 9, lines 21-23.

As for claim 54, Krapf, Kikinis, and Butler disclose the claimed limitations. In particular, Kikinis discloses different entities in the frame may be associated with different URLs, and may serve to direct the user to different home pages on the web – col. 7, lines 10-15.

As for claim 64, Krapf, Kikinis, and Butler disclose the claimed limitations. In particular, Butler teaches the step of measuring includes interacting with a time code marker embedded in the video – [0019].

As for claim 65, Kikinis and Krapf fail to disclose embedding a time code marker in the video to permit the display of an interface link to the ancillary content based on the time elapsed during the display of the video.

In an analogous art, Butler teaches embedding a time code marker (timing specification) in the video to permit the display of an interface link (hyperlink overlay) to the ancillary content (supplemental content) based on the time elapsed during the display of the video – [0019], [0021].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Kikinis and Krapf's invention to include the above mentioned limitation, as taught by Butler, for the advantage of displaying supplemental content at the appropriate time.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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SAC



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